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CHAPTER 6

HEALTH AND SANITATION

SECTION 6.100 STAGNANT WATER, FILTH, WEEDS, AND RUBBISH

6.100 PLACES WHERE WATER MAY ACCUMULATE PROHIBITED

It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the City of Round Rock, Texas, to permit or allow holes or places on said lots where water may accumulate and become stagnant, or to permit same to remain.

6.102 ACCUMULATION OF STAGNANT WATER PROHIBITED

It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the City of Round Rock, Texas, to permit or allow the accumulation of stagnant water thereon, or to permit same to remain.

6.103 ACCUMULATION OF ANY CARRION, FILTH OR OTHER UNWHOLESOME MATTER PROHIBITED

It shall be unlawful for any person, firm or corporation who shall own or occupy any house, buildings, establishment, lot or yard in the City of Round Rock to permit or allow any carrion, filth or other impure or unwholesome matter to accumulate or remain thereon.

6.104 ACCUMULATION OF WEEDS, BRUSH, ETC., PROHIBITED

It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the City of Round Rock, Texas, to allow weeds, rubbish, brush or any other unsightly, objectionable or insanitary matter to accumulate or grow on said lot or lots.

6.105 OWNER TO ABATE NUISANCES AFTER NOTIFICATION

Any owner of such lot or lots that: (1) have places thereon where stagnant water may accumulate and/or which are not properly drained, (2) have any premises or building upon which carrion, filth, or other impure or unwholesome matter may be and/or, (3) allow weeds, rubbish, brush or other unsightly, objectionable or insanitary matter to grow or accumulate thereon shall abate said nuisance within ten (10) days after the city gives written notice. Such notice shall be in the form of a letter addressed to such owner at his post office address or by publication as many as two (2) times within ten (10) consecutive days in the official newspaper of the city.

6.106 CHARGES FOR REMOVAL BY CITY TO BE ASSESSED TO OWNER

In the event that owner cannot be notified or fails to abate said nuisances after notification, then the City of Round Rock may do such filling or draining; removing filth, carrion, etc.; or cutting down and/or removing such weeds, rubbish, brush, or any other unsightly, objectionable or insanitary matter; as the case may be; or cause the same to be done. The charge and expenses incurred by the city in doing such work or having such work done or in making improvements to such lot or lots or real estate shall be assessed to the owner of said lot, lots or real estate upon which such expense was incurred.

6.107 CITY TO HAVE PRIVILEGED LIEN

The mayor or city health officer of the City of Round Rock shall cause a statement of such expenses incurred under Section 6.106 of this Code of Ordinances to be filed by giving the amount of such expenses, the date on which said work was done or improvements made, with the County Clerk of Williamson County, Texas. The City of Round Rock, Texas, shall have a privileged lien on such lot or lots or real estate upon which said work was done or improvements made to secure the expenditures so made, in accordance with the provisions of Section 342.007 Health and Safety Code, V.T.C.A., which said lien shall be second only to tax liens and liens for street improvements; and said amount shall bear ten (10) percent interest from the date said statement was filed. It is further provided that for any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the City of Round Rock, Texas; and the statement or expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

6.108 LIABILITY OF OFFICERS OF CORPORATION

In case the owner or occupant of any lot, lots or premises under the provisions of this section shall be a corporation, and shall violate any provision of this section, the President, Vice-President, Secretary, Treasurer of such corporation shall be also severally liable for the penalties provided in this Code.

(Ordinance No. 559 of September 14, 1978)

SECTION 6.200 NOISE CONTROL

6.201 GENERAL

- (1) This Section is adopted under the authority of the constitution and laws of the State of Texas, particularly Chapter 211 of the Texas Local Government Code, and by virtue of the authority of the City of Round Rock, Texas as granted to it by the citizens of the City and contained in Art 2, Section 2.01 of the City Charter.
- (2) This Section will be known and cited as the "Round Rock Noise Control Ordinance."

- (3) The purpose of this Section is to provide an objective framework whereby the officers of the City may act to ensure the safety and welfare of the citizens by adopting quantitatively defined measures to protect against the deleterious effects of excessive, prolonged, or otherwise undesirable noise.

6.202 DEFINITIONS

The following words and terms, when used in this Section, have the following meanings unless otherwise clearly indicated. All technical definitions not defined in this Section will be interpreted in accordance with applicable publications and standards of the American National Standards Institute ("ANSI").

- (1) A-Weighting - the electronic filtering in sound level meters that models human hearing frequency sensitivity.
- (2) City - the City of Round Rock, Travis and Williamson Counties, Texas.
- (3) Construction - any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.
- (4) dB(A) - the A-weighted unit of sound pressure level.
- (5) Daytime - 7:00 a.m. to 9:00 p.m. the same day.
- (6) Decibel (dB) - the unit of measurement for sound pressure level at a specific location.
- (7) Domestic Power Tool - any mechanically, electrically, or gasoline motor- driven tool, including:
 - (a) Chainsaws;
 - (b) Lawn equipment;
 - (c) Drills; and
 - (d) Power sprayers.
- (8) Emergency Work - any work or action necessary to deliver essential services including repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees from rights-of-ways, or abating life threatening conditions.
- (9) Impulsive Sound - a sound having duration of less than one second with an abrupt onset and rapid decay.
- (10) Measuring Instrument - an instrument such as a sound level meter, integrating sound level meter, or dosimeter used to measure sound pressure levels

conforming to Type 1 or Type 2 standards as specified in the latest version of ANSI Standard S1.4-1983.

- (11) Motor Vehicle - any vehicle that is propelled or drawn on land by an engine or motor.
- (12) Muffler - a sound dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine.
- (13) Nighttime - 9 00 p.m. to 7:00 a.m. the following day.
- (14) Noise - any sound of a level and duration that is or can be harmful to human health, or would unreasonably interfere with the enjoyment of life or property in the City.
- (15) Noise Control Ordinance - the Round Rock Noise Control Ordinance, Section 6.200 et seq. of the Round Rock City Code.
- (16) Noise Disturbance - any sound which:
 - (a) Disturbs a reasonable person of normal sensitivities;
 - (b) Exceeds the sound level limits set forth in this Section; or
 - (c) Is plainly audible as defined in subsection 6.202(18).
- (17) Person - an individual, corporation, company association, society, firm partnership, joint stock company, the City or any political subdivision, agency or instrumentality of the City.
- (18) Plainly Audible - any sound or noise from any source that can be clearly heard by a person with normal hearing faculties at a distance of 200 feet or more from the real property line of the source of the sound or noise.
- (19) Public Right-of-Way - any street, avenue, boulevard, road, highway, sidewalk, or alley that is leased, owned, or controlled by a governmental entity.
- (20) Public Space - any real property or structure thereon that is leased, owned, or controlled by a governmental entity.
- (21) Real Property Line - either:
 - (a) the imaginary line, including its vertical extension, that separates one parcel of real property from another; or
 - (b) the vertical and horizontal boundaries of a dwelling unit in a multi-dwelling unit building.
- (22) Section - the Round Rock Noise Control Ordinance, Section 6.200 et seq. of the Round Rock City Code.

- (23) Sound Level- the instantaneous sound pressure level measured in decibels with a sound level meter set for A-weighting on slow integration speed.
- (24) Sound Pressure Level - 20 multiplied by the logarithm, to the base 10, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.
- (25) Zoning Districts - for purposes of this Section, the zoning districts established in Section 11.401(1) of the Code of Ordinances, 1995 Edition, City of Round Rock, Texas are divided into 2 separate groups as follows:

(a) Residential Districts:

- (i) MH (Manufactured Housing)
- (ii) SF – 1 (Single Family – Large Lot)
- (iii) SF – 2 (Single Family – Standard Lot)
- (iv) SF – R (Single Family – Rural)
- (v) SR (Senior)
- (vi) TF (Two Family)
- (vii) TH (Townhouse)
- (viii) Areas that are zoned PUD (Planned Unit Development) that are exclusively residential in character.

(b) Commercial and Industrial Districts:

- (i) AG (Agricultural)
- (ii) BP (Business Park)
- (iii) C – 1 (General Commercial)
- (iv) C – 1a (General Commercial – Limited)
- (v) C – 2 (Local Commercial)
- (vi) LI (Light Industrial)
- (vii) MI (Mining)
- (viii) I (Industrial)
- (ix) OF (Office)

- (x) OS (Open Space)
- (xi) PF (Public Facilities)
- (xii) Areas that are zoned PUD and exhibit mixed use land development characteristics.

6.203 NOISE MEASUREMENT PROCEDURES

(1) Measurement with Sound Level Meter

- (a) Whenever portions of this Section prohibit sound over a certain decibel limit, measurement of the sound will be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (ANSI S1.4-1984/85A).
- (b) Noise levels will be measured in decibels and A-weighted. The unit of measurement will be designated “dB(A).”
- (c) Meters must be maintained in calibration and in good working order. Calibrations will be employed that meet ANSI S1.40-1984 prior to and immediately after every sampling of sound.
- (d) Measurements recorded must be taken so as to provide a proper representation of the sound being measured.
- (e) The microphone of the meter should be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone must be used.
- (f) Except as otherwise provided, measurements will be taken at or near the nearest property line of the property where the sound is being received.

(2) Measurement Without Sound Level Meter

- (a) Any City official with enforcement authority under this Section who hears a noise that is plainly audible will assess the noise according to the following standards.
- (b) The primary means of detection are the official’s normal hearing faculties, so long as the official’s hearing is not enhanced by any mechanical device, such as a hearing aid.
- (c) The official must have a direct line of sight and hearing to the real property of the source of the noise so the official can readily identify the offending source of the noise and the distance involved. If the official is unable to have a direct line of sight and hearing to the real property of the source of the noise, then the official must confirm the source of the noise

by approaching the suspected real property source of the noise until the official can obtain a direct line of sight and hearing, and identify the same noise that was heard at the place of original assessment.

- (d) The official need not determine the particular words or phrases being said or produced, or the name of the song or artist producing the noise. The detection of a rhythmic bass reverberating type of noise is sufficient to constitute a plainly audible noise.

6.204 GENERAL NOISE PROHIBITIONS AND SOUND LEVEL LIMITATIONS

- (1) Any noise that is measured in excess of the parameters set forth in Tables I-III is declared to be a nuisance.
- (2) Sound Causing Permanent Hearing Loss
- (a) Tables I and II specify sound level limits which, if exceeded, will have a high probability of producing permanent hearing loss in anyone in the area where the sound levels are being exceeded.
- (b) No sound is permitted within the City that exceeds the parameters set forth in Tables I and II.

Table I—Maximum Continuous Sound Levels

Duration per Day (in continuous hours)	Sound Level (dB(A))
8	90
6	92
4	95
3	97
2	100
1 ½	102
1	105
½	110
¼	115

Table II—Maximum Impulsive Sound Levels

Number of Repetitions per 24-Hour Period	Sound Level (dB(A))
1	145
10	135
100	125

- (3) No person will create, operate, or cause to be operated on private property any source of sound in such a manner as to create a noise which exceeds the limits set forth for the land use district as defined in Section 6.202 and in Table III when measured at a minimum distance of 200 lineal feet from the real property line of the source.
- (4) When a noise source can be identified and its noise measured in more than one zoning district, the limits of the most restrictive use will apply at the boundaries between different zoning districts.

Table III—Maximum Sound Levels (in dB(A)) for Zoning Districts

	Daytime	Nighttime
Residential	55	50
Commercial and Industrial	80	75

6.205 SPECIFIC NOISE PROHIBITIONS

- (1) No person may cause or allow any sound that constitutes a noise disturbance as defined in Section 6.202(16). Any person who causes or allows a noise disturbance to occur creates a nuisance.
- (2) The following acts are declared to be in violation of this Section and are hereby defined as nuisances:
 - (a) Motor Vehicles
 - (i) The operation of a motor vehicle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
 - (ii) Operating a motor vehicle with a muffler cut out, bypass, or similar device.
 - (iii) Operating or permitting to be operated any vehicle which, by virtue of disrepair, or manner of operation, or so loaded, alone or in combination with other motor vehicles, creates a grating, grinding, rattling, or any other loud noise that violates use district noise level restrictions.
 - (iv) Operating any motor vehicle with a dynamic braking device (commonly known as an engine brake, “Jacobs Brake,” or “Jake Brake”) engaged, except for the aversion of imminent danger.
 - (v) Personal or commercial vehicular music amplification or reproduction equipment operated in such a manner as to cause a noise disturbance.

- (vi) Personal or commercial vehicular music amplification or reproduction equipment operated so as to cause a noise disturbance.
- (vii) The sounding of any horn or signal device on any motor vehicle, except as a danger signal.

(Ordinance No. 572 of November 21, 1978 as amended by Ordinance No. G-07-11-08-9E1 of November 8, 2007)

(b) Construction Work

- (i) Construction work during nighttime hours in or adjacent to residential land use districts.
- (ii) Construction work in any land use district that results in noise above the limits set for industrial land use districts in Section 6.204(4).

(Ordinance No. 572 of November 21, 1978 as amended by Ordinance No. G-94-03-24-12A of March 24, 1994 and Ordinance No. G-07-11-08-9E1 of November 8, 2007)

- (c) Garbage collection during nighttime hours in a residential use district.
- (d) The operation of domestic power tools during nighttime hours so as to cause a noise disturbance.
- (e) The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
- (f) Keeping an animal that makes any sound that:
 - (i) Creates a noise disturbance across a residential real property line;
 - (ii) Is frequent or of continued duration for 10 or more consecutive minutes; or
 - (iii) Is intermittent for a period of 30 or more minutes.
- (g) The production of any noise in a public right-of-way or other public space which is plainly audible across the real property line of the source.
- (h) Radios, Television Sets, Musical Instruments and Similar Devices
 - (i) Operating or playing, or allowing the operation or playing of a radio, television, phonograph, musical instrument, or similar device that reproduces or amplifies sound so it creates a noise disturbance for any person other than the operator of the device.

- (ii) Operating or playing any such device so as to cause a noise disturbance.
 - (iii) Operating or playing of any self-contained, portable, hand-held music or sound amplification or reproduction equipment in a public space or public right-of-way so as to cause a noise disturbance.
 - (i) Operation of any public loudspeaker in a fixed position, moveable position, or mounted on a sound vehicle in a public space or public right-of-way for the purpose of communication or sound reproduction so it violates section 6.204 or causes a noise disturbance, unless a permit has been approved by the Chief of Police in accordance with section 6.207.
 - (j) An exterior burglar alarm of a building or motor vehicle activated so it continues its operation for more than 5 minutes for continuous airborne sound and 15 minutes for impulsive sound after it has been activated.
- (3) Violation of Plainly Audible Standard on Posted Property
- (a) When a City official with enforcement authority under this Section determines a person or persons are responsible for a sound that is in violation of the plainly audible standard on property posted as described below, the official will issue a citation for violation of this Section to the responsible person or persons.
 - (b) Property will be considered posted for the purposes of this subsection if at least one warning sign is posted in a conspicuous place on the property, clearly visible and readable to all persons entering the property, warning persons that noise that is plainly audible is prohibited. Signs must read as follows:

WARNING
 Playing a stereo
 radio, or amplifier
 that can be heard 200 feet
 away is prohibited.
 City Ord. Sec. 6.205 (3)

Letters in the word “WARNING” must be at least 2 inches high in bold type. Letters for the remaining text must be at least 1 inch high in normal type, and the words “City Ord. Sec. 6.205(3)” must be at least ½ inch in normal type. All letters must be light-reflective on a contrasting background. The sign structure containing the required warning must be permanently installed with the word “WARNING” not less than 3 feet and no more than 6 above ground level.

- (c) The City Manager or designee may require a property to be posted if it is used for commercial purposes, including as a parking lot of an adjacent business, and:

- (i) The business is generally unattended by the owner or an agent of the owner during normal operating hours; or
- (ii) Two or more citations for violation of this Section resulting in payment of a fine or adjudication of guilt by a judge are issued due to acts of patrons or visitors during any 90-day period.

6.206 EXEMPTIONS

- (1) The following uses and activities are exempt from the sound level regulations contained in this Section, except for the sound level regulations provided in Table I and Table II of Section 6.204(2):
 - (a) Noise of safety signals, warning devices and emergency pressure release valves.
 - (b) Noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
 - (c) Noise resulting from emergency work.
 - (d) All noise coming from the normal operations of interstate motor and rail carriers, to the extent that the provisions of this Section regulating the sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. §4901 et seq.) or other applicable federal laws or regulations.
 - (e) Noise resulting from the operation of any aircraft within the parameters and guidelines prescribed by the Federal Aviation Administration and the rules and regulations of the City.
 - (f) Noise resulting from a City sponsored or approved celebration or event.
 - (g) Noise resulting from a lawfully scheduled stadium event.
 - (h) Noise resulting from a fireworks display or fireworks discharge if the person has acquired a permit from the fire marshal and otherwise complied with the provisions of Section 5.600 of the City Code.
 - (i) Noise from church bells or chimes when a part of a religious observance or service.
 - (j) Any noise resulting from activities of temporary duration permitted by law for which a permit has been approved by the Chief of Police in accordance with Section 6.207.
- (2) Any activity to the extent regulation thereof has been preempted by state or federal law.

6.207 TEMPORARY NOISE EXEMPTION PERMITS

(1) Permits Generally

- (a) A person may apply for a permit to engage in any activity that creates a noise that would otherwise constitute a nuisance or be in violation of this Section.
- (b) A person must apply in writing to the Chief of Police at least 10 calendar days prior to the requested issuance date and time, unless the Chief determines that unforeseeable circumstances justify a shorter amount of time.

(2) The application for a permit must be on a form prescribed by the Chief of Police and must include the following:

- (a) The name, address, and telephone number of the applicant including both daytime and nighttime contact;
- (b) A description of the type, duration, and location of the noise, specifically including the date and time the noise will occur;
- (c) The name, if different from the applicant, of the owner of the property on which the noise will occur and a written letter of permission from the owner and any tenants or other persons occupying the property from which the noise will occur;
- (d) A statement from the applicant that all property owners within 200 lineal feet to the property upon which the noise originates will be provided written notification within 24 hours of making the application of their right to respond directly to the Chief of Police to voice support or opposition to the application; and
- (e) A copy of the notification(s) sent to any property owners.

(3) Filing Fee

- (a) A filing fee must be submitted with the application for a permit, in an amount prescribed in a fee schedule adopted by the City Council, or \$25.00 in the absence of such fee schedule.
- (b) No filing fee is to be assessed to any governmental entity or any person conducting activities on behalf of the governmental entity.

(4) No permit issued will be valid for more than 2 consecutive calendar days.

(5) In determining whether to grant or deny the permit, the Chief of Police must consider the following factors:

- (a) The safety of the persons that will be subjected to the noise, whether voluntarily or involuntarily;
- (b) The number of persons who will be involuntarily subjected to the noise;
- (c) The reasonableness of the time, place, and manner of the noise and duration of the noise; and
- (d) Any other factors necessary to determine the impact on public health, safety, or disruption of the peace that the noise may cause.

(6) Notice of Decision

- (a) The Chief of Police will notify the applicant of the decision to either grant or deny the permit within 5 calendar days following the date of the application.
- (b) If the Chief of Police denies the permit, the Chief will state the reasons for the denial in a written notice provided to the applicant.
- (c) If the Chief of Police grants the permit, the Chief may place reasonable time, place, and other restrictions on the activity authorized by the permit.

(7) Appeal

- (a) Upon receiving notice of the Chief of Police's decision, the applicant may appeal the decision, including restrictions placed on the activity placed on the permit, to the City Manager.
- (b) Within one working day of receiving the appeal, the City Manager will consider the application, the basis of denial, or any restrictions placed on issuance of the permit.
- (c) Based on the standards listed in subsection (5) of this section, the City Manager may:
 - (i) Uphold the decision of the Chief of Police;
 - (ii) Approve or deny the issuance of the permit as applied for; or
 - (iii) Modify or delete restrictions placed on the permit.

(8) Permit

- (a) The permit shall be in a form prescribed by the Chief of Police and must be displayed in the immediate vicinity of the source of the noise at all times during the production of the noise.
- (b) The permit must include the following:

- (i) The date and time that the permit begins and ends;
 - (ii) The name of the permit holder and who will be generating the noise;
 - (iii) A description of the basic nature of the noise;
 - (iv) The specific location of the noise; and
 - (v) Any special limitations or restrictions placed on the permit.
- (9) The Chief of Police may revoke any permit issued under this Section for the following reasons or causes:
- (a) The substantial violation of this Section or the terms and conditions of a permit;
 - (b) A material misstatement of any fact on the application for a permit.

6.208 ENFORCEMENT PROCEDURES, PENALTIES, AND OTHER REMEDIES

- (1) The Round Rock Police Department has primary, but not exclusive, enforcement responsibility for this Section. The City Council and Chief of Police both maintain the right to designate other agencies or departments to enforce this Section as needed.
- (2) The enforcement official has the authority to have any device removed or toned down instantly until it can be otherwise operated in compliance with this Section.
- (3) Persons cited for violations of any part of this Noise Control Ordinance will be fined in accordance with section 1.602 of this Code, per occurrence.
- (4) Violations of sections 6.204 through 6.207 are also hereby subject to abatement by means of a restraining order or injunction issued by a court of competent jurisdiction.

6.209 SEVERABILITY

If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance will not be invalidated.

(Ordinance No. 572 of November 21, 1978 as amended by Ordinance No. G-07-11-08-9E1 of November 8, 2007)

SECTION 6.300 PUBLIC AND PRIVATE WATER WELLS**6.301 DEFINITIONS**

- (1) "Private Water Well" means any artificial excavation constructed for the purpose of exploring for and producing groundwater for any use by a private individual or entity and the system for provision of the groundwater does not meet the federal and state definitions of a public water system.
- (2) "Public Water Well" means any artificial excavation constructed for the purpose of exploring for and producing groundwater for human consumption by a private individual or entity which is part of a system for the provision of groundwater and said system meets the state definition of a public water system.
- (3) "Water Well" means a public water well or private water well and means and refers to both.
- (4) "Well" means a water well.

6.302 PROHIBITIONS

- (1) It shall be unlawful for any person, firm, or corporation to drill or attempt to drill any Water Well within the corporate limits of this city except in compliance with the provisions of this section.
- (2) It shall be unlawful for any person to connect in any manner a Private Water Well system to the city's water supply or distribution system.

6.303 PERMITS

- (1) No Water Well may be drilled without first obtaining a permit therefor from the city engineer.
- (2) The application for a Water Well permit shall include the location of the well; name, address, and telephone number of the owner; and name, address, and telephone number of the well driller.
- (3) The fee for a Water Well permit shall be two hundred dollars (\$200.00).

6.304 LOCATION OF PUBLIC AND PRIVATE WELL SITES

- (1) Water Wells shall be so located to protect the water supply of the well by means of sanitary control and shall be so located that there will be no danger of pollution from flooding or from insanitary surroundings, such as cesspools, privies, sewage, livestock and animal pens, solid waste disposal sites, or abandoned and improperly sealed wells.

- (2) The construction and operation of underground petroleum and chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank or sewage treatment drainfields, improperly constructed water wells of any depth, and all other construction or operation that could create an insanitary condition is prohibited within a one hundred and fifty (150) foot radius of a Public Water Well. For the purpose of this section 6.304(2), improperly constructed Public Water Wells are those Wells which do not meet the surface and subsurface construction standards for a Public Water Well.
- (3) The construction of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is prohibited within a fifty (50)-foot radius of a Public Water Well.
- (4) No Well site shall be located or selected which is within five hundred (500) feet of a sewage treatment plant or within three hundred (300) feet of a sewage wet well, sewage pumping station, or a drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems.
- (5) No Water Wells shall be located within five hundred (500) feet of animal feed lots, solid waste disposal sites, lands on which sewage plant or septic tank sludge is applied, or lands irrigated by sewage plant effluent.
- (6) Livestock in pastures shall not be allowed within fifty (50) feet of a Water Well.
- (7) All known abandoned or inoperative Wells (unused Wells that have not been plugged) within one quarter mile of a proposed Well site shall be reported to the City of Round Rock and the Texas Commission on Environmental Quality along with existing or potential pollution hazards. This information must be submitted prior to construction.

(Ordinance No. G-03-11-25-11E1 of November 25, 2003)

6.305 PREMISES, MATERIALS, TOOLS, AND DRILLING EQUIPMENT

The premises, materials, tools and drilling equipment shall be maintained so as to minimize contamination of the underground water during the drilling operation.

- (1) Water used in any drilling operation shall be of safe sanitary quality.
- (2) The slush pit shall be constructed and maintained so as to minimize contamination of the drilling mud.
- (3) No temporary toilet facilities shall be maintained within 150 feet of a Well being constructed unless they are of a sealed, leakproof type.

6.306 RIGHT OF ENTRY

The city engineer or his authorized representative may enter any premise at all reasonable times to make an inspection or enforce any of the provisions of this Section 6.300.

6.307 CONDITIONS FOR THE CONSTRUCTION, DISINFECTION, PROTECTION AND TESTING OF A PUBLIC WATER WELL

The construction, disinfection, protection, and testing of a Well to be used as a water supply source must meet the rules and regulations of the Texas Commission on Environmental Quality (TCEQ) under the Texas Administrative Code, Title 30, Chapter 290, Subchapter D, as amended and the following conditions. In case of conflict between the TCEQ rules and regulations and the conditions set forth in this Section 6.307, the more restrictive shall apply.

(Ordinance No. G-03-11-25-11E1 of November 25, 2003)

- (1) Drilling records and Well completion data shall be maintained accurately and copies made available to the owner, as well as the city engineer or other city departments. Before placing the well into service, the city engineer shall be furnished a copy of the Well completion data, which includes the following items: the Driller's Log (geological log and material setting report); a cementing certificate; the results of a 36-hour pump test; the results of the microbiological and chemical analyses required by subsections (7) and (12) of this Section 6.307; and an original or legible copy of a United States Geological Survey 7.5 minute topographic quadrangle showing the accurate Well location to the city engineer. All the documents listed in this Section 6.307 must be approved by the city engineer before final approval is granted.
- (2) The casing material used in the construction of Wells shall be new carbon steel, high-strength low-alloy steel, stainless steel or plastic and the material shall conform to the American Waterworks Association Standards. The casing shall extend a minimum of eighteen (18) inches above the elevation of the finished floor of the pump room or natural ground surface and a minimum of one (1) inch above the sealing block or pump motor foundation block, when provided. The casing shall extend at least to the depth of the shallowest water formation to be developed and deeper, if necessary, in order to eliminate all undesirable water bearing strata. Well construction materials containing more than 8% lead are prohibited.
- (3) The space between the casing and drill hole shall be sealed by using sufficient cement under pressure to provide for completely filling and sealing of the annular space between the casing and the drill hole. The well casing shall be cemented in this manner from the top of the shallowest formation to be developed to the earth's surface. The driller shall utilize a pressure cementation method in accordance with the American Waterworks Association Standard for Water Wells (A100-97), Appendix C: Section C.3 (Positive Displacement Exterior Method); Section C.4

(Interior Method Without Plug); Section C.5 (Positive Placement, Interior Method, Drillable Plug); Section C.6 (Placement Through Float Attached to Bottom of Casing). Cementation methods other than those listed in this section 6.307(3) may be used on a site-specific basis with the prior written approval of the city engineer. A cement bonding log, as well as any other documentation deemed necessary, may be required by the city engineer to assure complete sealing of the annular space.

- (4) In all cases, a concrete sealing block extending at least three (3) feet from the well casing in all directions, with a minimum thickness of six (6) inches, and sloped to drain away at not less than one-fourth (1/4) or three (3) inches per foot shall be provided around the well head.
- (5) Well heads and pump bases shall be sealed by gaskets or sealing compounds and properly vented to prevent the possibility of contaminating the Well water. A well casing vent shall be provided with an opening that is covered with 16-mesh or finer corrosion resistant screen, and facing downward, elevated and located so as to minimize the drawing of contaminants into the Well. Wellheads and well vents shall be at least two feet above the highest known watermark or 100-year flood elevation, if available, or adequately protected from possible flood damage by levees.
- (6) Safeguards shall be taken to prevent possible contamination of the water or damage by trespassers following the completion of the Well and prior to installation of permanent pumping equipment.
- (7) Upon Well completion, or after an existing Well has been reworked, the Well shall be disinfected in accordance with current American Waterworks Association Standards for well disinfection except that the disinfectant shall remain in the well for at least six hours.
 - (a) Before placing the Well in service, the water containing the disinfectant shall be flushed from the Well, and the samples of water shall be collected and submitted for microbiological analysis until three successive daily raw water samples are free of coliform organisms. The analysis of these samples must be conducted by a laboratory approved by the Texas Department of Health.
 - (b) Appropriate facilities for treatment of the water shall be provided where a satisfactory microbiological record cannot be established after repeated disinfection. The extent of water treatment required will be determined on the basis of geological data, Well construction features, nearby sources of contamination and if necessary, on the basis of quantitative microbiological analyses.
- (8) A suitable sampling cock shall be provided on the discharge pipe of each well pump prior to any treatment.
- (9) If a well blow-off line is provided, its discharge shall terminate in a downward direction and at a point which will not be submerged by flood waters.

- (10) The well site shall be fine graded so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the Well. In all cases, arrangements shall be made to convey well pump drainage, packing gland leakage, and floor drainage away from the wellhead. Suitable drain pipes located at the outer edge of the concrete floor shall be provided to collect this water and prevent its ponding or collecting around the wellhead. This waste water shall be disposed of in a manner that will not cause any mosquito breeding or stagnation. Drains shall not be directly connected to storm or sanitary sewers.
- (11) When a gravel packed Well is constructed, all gravel shall be of selected and graded quality and shall be thoroughly disinfected with a 50 mg/l chlorine solution as it is added to the Well cavity.
- (12) A complete physical and chemical analysis of the water produced from a new Well shall be made after 36 hours of continuous pumping at the design withdrawal rate. Shorter pump test periods can be accepted for large capacity Wells producing from areas of known groundwater production and quality so as to prevent wasting of water. Samples must be submitted to a certified laboratory for chemical analyses. Tentative approval may be given on the basis of tests performed by in-plant or private laboratories but final acceptance by the city engineer shall be on the basis of results from the certified laboratory. Appropriate treatment shall be provided if the analyses reveal that the water from the Well fails to meet the water quality criteria as prescribed by the drinking water standards. These criteria include turbidity, color and threshold odor limitations, and excessive hydrogen sulfide, carbon dioxide or other constituents or mineral which make the water undesirable or unsuited for domestic use. Additional chemical and microbiological tests may be required after the city engineer conducts a vulnerability assessment of the Well.
- (13) Below ground-level pump rooms and pump pits will not be allowed in connection with water supply installations.
- (14) Flow measuring devices shall be provided for each Well to measure production yields and provide for the accumulation of water production data. These devices shall be located to facilitate daily readings.
- (15) All completed Well units shall be protected by intruder-resistant fences, the gates of which are provided with locks or shall be enclosed in locked, ventilated well houses to exclude possible contamination or damage to the facilities by trespassers. The gates or wellhouses shall be locked during periods of darkness and when the plant is unattended.
- (16) An all-weather access road shall be provided to each Well site.
- (17) If an air release device is provided on the discharge piping, it shall be installed in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. In this respect, all openings to the atmosphere shall be covered with 16-mesh or finer, corrosion-resistant screening material or an acceptable equivalent.

- (18) Upon completion of the water well, the following reports shall be required:
- (a) The water well driller shall submit a copy of the drilling log, the size of the pump, and the pump setting.
 - (b) The casing contractor shall submit a report detailing the size, depth, material used, and wall thickness of the casing.
 - (c) The cementing contractor shall submit a report of the specification of the cementing.

6.308 ABANDONED OR INOPERATIVE WELLS

All abandoned Wells or inoperative Wells shall be plugged in accordance with the current rules and regulations of the Texas Department of Licensing and Regulation under the Texas Administrative Code, Title 16, Chapter 76, as amended.

(Ordinance No. 754 of August 14, 1980 as amended by Ordinance No. G-03-04-24-13F1 of April 24, 2003, and Ordinance No. G-03-11-25-11E1 of November 25, 2003)

6.309 CONSTRUCTION AND COMPLETION OF PRIVATE WATER WELLS

Construction and completion of Private Water Wells shall be performed in accordance with the rules and regulations of the Texas Department of Licensing and Regulation under the Texas Administrative Code, Title 16, Chapter 76, as amended.

(Ordinance No. G-03-11-25-11E1 of November 25, 2003)

SECTION 6.400 SMOKING OF TOBACCO PRODUCTS IN PUBLIC PLACES**6.401 DEFINITIONS**

- (1) Air Purification System. An electrically powered hospital grade filter that:
 - (a) has an air-exchange rate of four (4) times per hour or once every fifteen (15) minutes for the Designated Smoking Bar;
 - (b) as its first stage, contains a minimum 30% rated pleated pre-filter;
 - (c) as its second stage, contains a HEPA filter media that is rated to remove not less than 99.97% of 0.3 microns; and
 - (d) as its third stage, contains an industrial grade processed carbon composite adsorber filter specifically designed for removal of environmental tobacco smoke and gases.
- (2) Bar. Any establishment:
 - (a) that derives more than fifty percent (50%) of its gross receipts from the sale of alcoholic beverages; and
 - (b) that is not located within, and does not share any common entryway or common enclosed area (other than a covered sidewalk or pedestrian way) with any other place not otherwise listed in §6.403(1) below; and
 - (c) in which the serving of food, if any, is merely incidental to the primary business of serving alcoholic beverages.
- (3) Common Areas. Areas such as restrooms, lobbies, service line areas, public telephone areas, and other areas commonly used by the public.
- (4) Designated Smoking Bar. A bar which serves food and/or mixed drinks and which the owner or operator has designated all or any portion thereof for smoking. All Designated Smoking Bars shall be equipped with an air purification system and/or an exhaust system, which shall be designed by a professional engineer and shall otherwise comply with the requirements of §6.404 below.
- (5) Enclosed Area. Any area covered by a roof and having at least one wall. Vehicular drive-through lanes and open outdoor concourses of Sports Arenas shall not be considered Enclosed Areas.

- (6) Exhaust. Air removed from a space and discharged to the exterior of the building.
- (7) Health Care Facility. Any office or institution providing individual care or treatment of human medical, physiological or psychological illness, which definition shall include but not be limited to hospitals, doctor's offices, nursing and convalescent homes and senior citizen residential facilities.
- (8) Non-profit Private Club. Any building, premises or portion thereof which is wholly owned or leased and operated by an organization meeting the requirements of Chapter 501(c) of the United States Internal Revenue Code, as amended.
- (9) Person. Any individual, firm, partnership, association, corporation, company or organization of any kind.
- (10) Place of Employment. Any enclosed area under the control of a public or private employer and which employees normally frequent during the course of employment, including but not limited to work areas, employee and employer offices, employee lounges, employee restrooms, conference rooms and employee cafeterias. A residence, including a home occupation, is not considered to be a place of employment.
- (11) Public Conveyance. Any mass transit vehicle or school bus.
- (12) Public Place. Any enclosed area to which the public is invited or in which the public is permitted, not including the offices or work areas not entered by the public in the normal course of business or use of the premises. A residence is not a public place.

- (13) Retail Tobacco Store. An establishment whose primary purpose is to offer for sale and sell to consumers, tobacco and tobacco products and accessories.
- (14) Service Line. A line of persons formed for the securing of a service or product on a first-come first-served basis.
- (15) Smoking. The lighting, holding, carrying of, inhaling and exhaling of the smoke of a tobacco product, which definition includes but is not limited to the carrying or holding of a lighted pipe, cigar or cigarette of any kind or any other lighted smoking equipment or device.
- (16) Sports Arena. An indoor or outdoor facility primarily used for sports, cultural or other similar events.
- (17) Tobacco Product. The product derived from the dried leaves of any one of the various species of Nicotine, including but not limited to the species Nicotine Tabacum, the broad leafed native American plant, which is utilized for smoking.

6.402 PROHIBITION

- (1) Except as provided in §6.403(1) below, smoking is unlawful inside of and outside within five feet (5') of any entrance or open window of the following places:
 - (a) Common Areas, except as provided in §6.403(1).
 - (b) Elevators.
 - (c) Places of Employment.
 - (d) Public conveyances.
 - (e) Public places.
 - (f) Public restrooms.
 - (g) Taxicabs.
 - (h) Service lines.
 - (i) Sports Arenas.
- (2) No smoking shall be designated by signs posted in conspicuous locations located at any entrance to and within all public places and places of employment. Such signs shall be visible to the public and clearly recite the phrase "No Smoking" and/or use the international no-smoking symbol.

6.403 EXEMPTIONS

- (1) Smoking is lawful in the following places:
 - (a) Retail tobacco stores, including any common areas.
 - (b) Smoking as a part of a theatrical production.

- (c) In bars, including common areas, which do not serve food and which serve alcoholic beverages pursuant to a Wine and Beer Retailer's permit issued by the Texas Alcoholic Beverage Commission.
 - (d) Subject to compliance with §6.404 below, in a Designated Smoking Bar.
 - (e) Separate patient care and/or sleeping quarters of health care facilities and convalescence facilities which have been designated as a smoking room by the owner or operator, provided however that lobbies, hallways and other common or public areas shall be nonsmoking areas.
 - (f) Hotel and lodging rooms, provided however that hotel lobbies, hallways and other public areas shall be nonsmoking areas.
 - (g) Open outdoor concourse of a Sports Arena, which has been designated as a smoking area by the owner or operator.
 - (h) Non-profit Private Clubs.
- (2) The owner or operator of all public places listed in (1) above, that have both no smoking and smoking areas shall post signs in conspicuous locations located at any entrance to and within such public places. Such signs shall be visible to the public and clearly recite the phrase "Smoking In Designated Areas Only."
 - (3) The owner or operator of all public places listed in (1) above, where the entire premises is or has been designated as a smoking area shall post signs in conspicuous locations located at any entrance to and within such public places. Such signs shall be visible to the public and clearly recite the phrase "Smoking is Permitted Throughout the Premises."

6.404 REQUIREMENTS FOR DESIGNATED SMOKING BARS

- (1) In order to have a Designated Smoking Bar, the owner or operator of a bar not included within §6.403(1)(c), must have a valid permit issued therefore by the City pursuant to paragraph (2) below and shall:
 - (a) Provide the Designated Smoking Bar with exhaust and/or air purification systems that will provide a minimum of four (4) air changes per hour for the entire Designated Smoking Bar;
 - (b) Properly maintain in accordance with manufacturer's recommendations the exhaust and air purification systems used in Designated Smoking Bars and keep a log and receipts for all such maintenance, including filter replacement;
 - (c) Allow City personnel to inspect such systems and maintenance logs at all reasonable times;

- (d) Provide signs conspicuously posted in the bar which state: "Smoking In this Area Only"; or if the entire premises has been designated a smoking bar, provide signs conspicuously posted at any entrances which state: "Smoking is Permitted Throughout the Premises; and
 - (e) Provide receptacles for the extinguishments of smoking materials located within all Designated Smoking Bars.
- (2) In order to maintain a Designated Smoking Bar, the owner or operator of the premises must apply for and receive a permit issued by the City in compliance with the following:
 - (a) An application for the permit shall be submitted on forms provided by the City.
 - (b) The fee for processing the application shall be \$50.00.
 - (c) Prior to the permit being issued, the system as described in (1)(a) above for the proposed Designated Smoking Bar must successfully pass a test showing the system works properly.
 - (d) If the system fails two successive tests, the applicant shall pay a re-testing fee of \$50.00 for each additional test.
- (3) The owner or operator of a Designated Smoking Bar shall be required to pass additional tests from time to time as determined by the City.
- (4) Failure to pass a test shall result in the denial of the application for a permit, or the revocation of an existing permit to operate a Designated Smoking Bar, and the bar shall be deemed to be nonsmoking until successfully tested or re-tested.
- (5) Failure to maintain the exhaust and/or air purification systems so that said systems will not provide a minimum of four (4) air changes per hour for the entire Designated Smoking Bar shall result in the revocation of an existing permit to operate a Designated Smoking Bar, and such bar shall be deemed to be nonsmoking until such time that it can be demonstrated that said systems are operating satisfactorily.

6.405 UNLAWFUL

- (1) A person commits an offense if he/she:
 - (a) knowingly, intentionally or by criminal negligence smokes in an area designated as prohibited under §6.402;
 - (b) knowingly, intentionally or by criminal negligence fails to post any sign as required by this Section;

- (d) knowingly, intentionally or by criminal negligence fails to designate nonsmoking and smoking areas as required by this Section;
- (e) knowingly, intentionally or by criminal negligence designates or maintains a smoking area in violation with the requirements of this Section; or
- (f) knowingly, intentionally or by criminal negligence violates any other provision of this Section.

6.406 INJUNCTION

- (1) In accordance with §54.016 of the Local Government Code, the City may obtain against the owner or owner's representative with control over the premises an injunction that (i) prohibits specific conduct that violates this Section; and/or (ii) requires specific conduct that is necessary for compliance with this Section.

(Ordinance No. 2101 of February 23, 1984 as amended by Ordinance No. G-93-07-08-8A of July 8, 1993, and Ordinance No. G-02-11-26-9C1 of November 26, 2002)

SECTION 6.500 FOOD ESTABLISHMENTS

6.501 TEXAS FOOD ESTABLISHMENT RULES ADOPTED

Chapter 437, Regulations of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors of the Texas Health and Safety Code; and the Texas Administrative Code, Title 25, Part 1. Texas Department of Health, Chapter 229, Food and Drug, Subchapter K. Texas Food Establishments, Sections 161 through 171 and Sections 172 through 175 ("Texas Food Establishment Rules") are hereby adopted by the City of Round Rock, Texas. Penalties, conditions and terms of the said Texas Food Establishment Rules are hereby adopted, and made a part hereof, as if fully set out in this Section 6.500, with the additions, insertions, deletions and changes as set forth below.

6.502 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Section:

- (1) Authorized Agent or Employee shall mean the designated representative of the Regulatory Authority, as the term is defined below.
- (2) Business Days shall mean the days that the Williamson County and Cities Health District (WCCHD) is open to conduct business with the public.
- (3) Director shall mean the Director of the WCCHD or its designated representative.

- (4) Food Establishments shall mean an operation that stores, prepares, packages, serves, or otherwise provides food for human consumption such as: a food service establishment; retail food store; satellite or catered feeding location; catering operation; if the operation provides food directly to a consumer or to a conveyance used to transport people; market; remote catered operations; conveyance used to transport people; institution; or food bank; and that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers Temporary Food Establishment, mobile food unit, and/or a roadside food vendor.
- (a) The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the Regulatory Authority; a restaurant; a grocery store; an operation that is conducted in a mobile, roadside, stationary, temporary, or permanent facility or location; group residence; outfitter operations; bed and breakfast Food Establishments; where consumption is on or off the premises; and regardless of whether there is a charge for the food.
- (b) The term does not include: an establishment that offers only prepackaged foods that are not potentially hazardous; a produce stand that only offers whole, uncut fresh fruits and vegetables; a food processing plant; a kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function, such as religious or charitable organization's bake sale; a Bed and Breakfast Limited facility as defined in the Texas Food Establishment Rules; or a private home.
- (5) Food Handler shall mean any Person in a Food Establishment who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in an area where food or drink is prepared, served, transferred, stored, packed, sold, or otherwise handled.
- (6) Health Official shall mean the authorized representative of the WCCHD.
- (7) Person shall mean person, firm, or corporation or association.
- (8) Regulatory Authority shall mean the WCCHD.
- (9) State Laws and Rules shall mean Texas Food Establishment Rules.
- (10) Temporary Food Establishment shall mean a Food Establishment operating for a temporary period of no less than two (2) consecutive days and no more than fourteen (14) consecutive days in conjunction with a fair, carnival, circus, public exhibition, or other similar gathering. Non-profit fund raising events and other events which are open for business for a period of time no longer than one (1) day are exempt from this definition.

6.503 PERMITS REQUIRED

It shall be unlawful for any Person to operate a Food Establishment in the City of Round Rock, Texas, who does not possess an unrevoked permit from the City of Round Rock, Texas, issued by the WCCHD. The Health Official shall be, and is hereby authorized to issue permits to any Person making application therefore, authorizing the operation of a Food Establishment in the City of Round Rock, Texas; provided, only a Person who complies with the requirements of this Section 6.500 shall be entitled to receive and retain such permit. Permits are not transferable from one Person to another or from one location to another, except as otherwise permitted by this Section 6.500. All permits expire on December 31 of each year. A valid permit must be posted in or on every Food Establishment regulated by this Section 6.500.

6.504 PERMIT FEES

Every Person who may desire to operate a Food Establishment in the City of Round Rock, Texas, shall make a written application to the WCCHD, upon forms prescribed and furnished by the WCCHD for a permit. The application must contain the name and address of each applicant, the location and type of the proposed Food Establishment and the applicable fee. Incomplete applications will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit. Prior to the approval of an initial permit or the renewal of an existing permit, the Health Official shall make or cause to be made an inspection of the premises to determine compliance with State Laws and Rules. A Food Establishment that does not comply with State Laws and Rules may be denied a permit or the renewal of a permit. If the Food Establishment comes within the requirements of this Section 6.500, the Health Official shall approve said application; whereupon, the applicant shall pay to the WCCHD a fee based on the following formula:

(1) Food Establishments:

<u>Number of Employees</u>	<u>Permit Fee</u>
1 - 15	\$150.00
16 - 30	\$250.00
31 or more	\$300.00

If an application is made after the first day of July of any calendar year, the application fee shall be reduced by fifty (50) percent.

(2) Penalty Fees for Follow-up Inspections:

\$75.00. Each additional follow-up increases by \$25.00.

(3) Day Care Centers:

<u>Licensed number of Children</u>	<u>Permit Fee</u>
13 - 40	\$150.00
41 - 100	\$250.00
101 or more	\$300.00

(4) Mobile Food Units:

1st Unit	\$100.00
Each Additional Unit	\$ 75.00

(5) Sanitation Inspection:

Includes day care centers with fewer than 13 children, day care centers with more than 12 children but with no food preparation, and foster/adoptive homes: \$ 60.00

(6) Food Handler Classes:

\$10.00 - 1 year card (all new employees and Train the Trainer classes)
\$15.00 - 2 year card

Remote class \$ 50.00 + 1 or 2 year card fee per Person
(new establishments only)
(between 9 am and 4 pm, Monday through Friday, minimum 50 students)

Train the Trainer Class \$ 25.00

Train the Trainer Video \$ 25.00

(7) Seasonal Permits: \$ 60.00 (valid for 6 months)(8) Change of Name or Ownership: \$ 25.00(9) Establishment Plan Review:

\$125.00 (includes actual plan review and two pre-opening inspections)
\$ 60.00 (each additional pre-opening inspection)

(10) Permit Reinstatement Fee: \$100.00

(Ordinance No. 2383 of December 22, 1988 as amended by Ordinance No. G-93-10-28-8B of October 28, 1993, and Ordinance No. G-02-12-19-8A1 of December 19, 2002)

6.505 REVIEW OF PLANS

Whenever a Food Establishment is constructed or extensively remodeled, meaning that twenty (20) percent or greater of the area is to be remodeled, and when an existing structure is converted to use as a Food Establishment, plans and specifications for such construction, remodeling or conversion shall be submitted to WCCHD for review before work is begun. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas; and the type and model of proposed fixed equipment and facilities. The plans and specifications shall be approved by WCCHD if they meet the requirements of this Section 6.500. The approved plans and specifications must be followed in the construction, remodeling or conversion of the Food Establishment.

6.506 REGISTRATION OF FOOD HANDLERS

It shall hereafter be unlawful for any Person operating any Food Establishment, to work or employ a Food Handler until regulations and all City Ordinances now or hereafter enacted and all provisions of this Section 6.500 are complied with; and until such Food Handler has received a Food Handler's registration card from the WCCHD which is valid at the time of such employment.

- (1) Issuance of registration certificates and payment of fees. WCCHD shall issue Food Handler's registration certificates to Food Handlers who attend and satisfactorily pass a Food Handler's class offered within the county, or who satisfactorily pass a test from a "trainer" that became certified through WCCHD.
- (2) Education and examination of applicant. No Food Handler's registration card shall be issued by WCCHD to any Person required by law or by this Section 6.500 to have or exhibit such card until the applicant shall have met the following requirements:
 - (a) Complete a class in basic food sanitation. The schedule, time and location of class sites shall be announced by the Director of the Environmental Division of WCCHD. The primary emphasis of this class will be directed toward the food workers' sanitation practices and behavior when working in a Food Establishment. It shall be the responsibility of the Person in charge of the Food Establishment to ensure that safe food practices are in use at all times.
 - (b) Completes a "train the trainer" class. Food Establishments who wish to train their own Food Handlers may do so after meeting the following conditions:
 - (i) A Food Establishment employee must complete a two (2) hour "train the trainer" class. The Food Establishment employee may then train other employees on site and administer the test supplied by WCCHD to those employees; or

- (ii) A Food Establishment employee certified to teach the Texas state certified Food Protection Management class may submit an outline of the class they will be teaching and a copy of the test to be given to the employees after the class is completed at their site.

WCCHD reserves the right to suspend the option provided in this Paragraph (b) as a method for obtaining Food Handler cards.

- (3) Issuance and effective period of Food Handler's cards. Upon completion of the required classes described above and administrative processing, each individual shall be issued a Food Handler's card by WCCHD, which shall be valid for the time period stipulated on the card.
- (4) Display of Food Handler cards. The Food Handler's card issued to each individual shall be posted at the place of employment in a location readily visible and accessible to the Health Official for verification.
- (5) Managers and supervisory personnel. Managers, assistant managers, and shift supervisors who have completed the Texas state certified Food Protection Managers course shall be exempt from obtaining a Food Handler's card from WCCHD. The certificate provided by the state shall be posted at the place of employment in a location readily visible and accessible to the Health Official for verification.

6.507 INSPECTION OF FOOD ESTABLISHMENTS

- (1) The Health Official shall inspect every Food Establishment located within the City of Round Rock, Texas. High-risk establishments, that prepare and serve potentially hazardous food and/or serve a highly susceptible population, shall be inspected a minimum of four(4) times a calendar year. Establishments that serve only prepackaged, non-potentially hazardous foods shall be inspected a minimum of two (2) times a calendar year. Additional inspections of Food Establishments shall be performed as deemed necessary to protect against public health hazards or nuisances and additional fees shall be charged to the Food Establishments for these visits. Visits associated with unsubstantiated complaints received by WCCHD will not require payment of additional fees by the Food Establishment. Upon request of the Health Official, the Person operating the Food Establishment shall permit access to all parts of the establishment under inspection and shall permit inspection and copying of all records of food purchased.
- (2) The Health Official may take and examine samples of food, drink and other substances found on the premises for the detection of unwholesomeness and adulteration and may condemn and forbid the same of, and cause to be removed or destroyed, any food or drink which is unwholesome, adulterated, or potentially hazardous food held at temperatures which allow the growth of dangerous organisms.

6.508 VIOLATIONS AND POSTING OF CERTIFICATES

If during an inspection, the Health Official discovers violations of State Laws and Rules; or this Section 6.500, that earns more than thirty (30) demerits on multiple inspections during a twelve (12) month period based upon the results of the inspection, the Health Official shall post a Certificate of Grade, as follows:

- (1) First failure. An “UNSATISFACTORY” placard shall be posted on the front door or front window, or if the Food Establishment does not have a front door or front window, then upon a wall of the food service area inside the Food Establishment and said placard shall be displayed in clear view to the public and shall not be covered from sight, defaced or removed except by the Health Official after an inspection is performed earning thirty (30) or fewer demerits. The follow-up inspection shall occur within two (2) Business Days of the failed inspection.
- (2) Second failure. When a second failed inspection occurs within twelve (12) months of the first failed inspection, an “UNSATISFACTORY” placard shall be posted on the front door or front window, or if the Food Establishment does not have a front door or front window, then upon a wall of the food service area inside the Food Establishment and said placard shall be displayed in clear view to the public and shall not be covered from sight, defaced or removed except by the Health Official after an inspection is performed earning thirty (30) or fewer demerits. The permit shall be suspended and the operations of the establishment shall cease immediately. The Food Establishment shall remain closed for a minimum of 48 hours and fulfill the following requirements before reopening:
 - (a) The management of the Food Establishment must meet with and submit a written plan of action to the Director of the Environmental Division of WCCHD or his appointee. The plan of action shall address critical violations of the previously failed inspections.
 - (b) A reinstatement fee of \$100 shall be paid to the WCCHD Environmental Division located at 303 Main, Georgetown, Texas 78626.
 - (c) A follow-up inspection will be conducted within one (1) Business Day of fulfillment of the requirements listed in (a) and (b) above.
 - (d) The Food Establishment shall be placed on a thirty (30) day inspection schedule until two (2) consecutive inspections result in a score of thirty (30) or fewer demerits.

- (3) Third failure. When a third failed inspection occurs within twelve (12) months of the first failed inspection, an “UNSATISFACTORY” placard shall be posted on the front door or front window, or if the Food Establishment does not have a front door or front window, then upon a wall of the food service area inside the Food Establishment and said placard shall be displayed in clear view to the public and shall not be covered from sight, defaced or removed except by the Health Official. The Person in charge shall be provided written notice of the intent of WCCHD to permanently revoke the permit.

6.509 SUSPENSION AND REVOCATION OF PERMIT

- (1) A permit to operate a Food Establishment may be suspended by the Health Official without warning, notice, or hearing if the operation of the Food Establishment constitutes an imminent hazard to public health; or upon violation by the holder of any of the terms of this Section 6.500. Suspension is effective upon service of a written notice to the Person in charge. When a permit is suspended, food operations shall cease immediately. WCCHD may lift the suspension at any time, if it deems that the reasons for the suspension no longer exist.
- (2) The Regulatory Authority may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of this Section 6.500 or for interference with the Regulatory Authority in the performance of its duties. Prior to revocation, the Regulatory Authority shall provide written notice to the holder of the permit or the Person in charge of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the five (5) working days following service of such notice.
- (3) The suspension or revocation notice shall include the procedure for appealing the suspension or revocation. In the event the Health Official refuses a permit to an applicant, or a permit is suspended or revoked by the Health Official, the applicant whose permit is refused, or the holder of a permit which has been revoked or suspended, shall have the right of appeal to the WCCHD Director by filing an appeal in writing with the WCCHD Director within five (5) days from refusal to grant said permit, or receipt of the revocation or suspension notice of said permit by the Health Official. Pending action on the appeal, a permit which has been suspended or revoked, shall be considered suspended or revoked. If a written appeal is not filed within five (5) days from refusal to grant a permit or receipt of the written notice, the suspension, revocation or refusal to grant a permit shall be sustained.

6.510 REINSTATEMENT OF PERMIT

Any Person whose permit has been suspended may at any time make application to the Health Official for reinstatement of the permit. Such application shall contain a statement signed by the applicant to the effect that the violation of this Section 6.500 has been corrected. Within one (1) week after the receipt of such application, the Health Official shall reinspect the applicant's Food Establishment to determine whether the applicant is again complying with the requirements of this Section 6.500, and shall reinstate the permit if the applicant is complying with this Section 6.500.

6.511 ENFORCEMENT INTERPRETATION

This section shall be enforced by the Health Official in accordance with the State Laws and Rules.

6.512 PENALTIES

In addition to any other penalties herein before provided and unless another penalty is in this Section 6.500 provided, whoever shall do any act or thing required by the terms of this Section 6.500 or in anywise violate the provisions thereof, shall be fined as provided for in Section 1.600 of this Code of Ordinances.

It shall not be necessary for the complaint to allege or to prove that the act or omission was knowingly done or omitted.

(Ordinance No. 2239 of June 26, 1986 as amended by Ordinance No. G-03-06-26-10A1 of June 26, 2003)

SECTION 6.600 GARBAGE REGULATIONS

6.601 DEFINITIONS

The following words when used in this section shall have the meanings ascribed to them in this subsection:

City when used in this section shall mean the City of Round Rock, Williamson County, Texas.

Garbage shall be held to mean all animal and vegetable matter, such as waste material and refuse from kitchens, residences, grocery stores, butcher shops, cafes, restaurants, drug stores, hotels, rooming, boarding, and apartment houses, and other deleterious substances, not to include dirt, concrete, tile, plaster, rocks, and other substances.

Person shall include both singular and plural and shall mean and embrace any person, firm, or corporation, their agents, servants, tenants, and employees.

Premises shall mean business houses, boarding houses, offices, theaters, hotels, restaurants, cafes, eating houses, tourist camps, apartments, sanitariums, rooming houses, schools, private residences, vacant lots, and other places within the city limits where refuse, either garbage or trash, accumulates.

Refuse shall mean all solid wastes, including garbage or trash.

Sanitation Superintendent shall mean the superintendent of sanitation of the City of Round Rock or his authorized agent.

Trash shall mean rubbish such as feathers, coffee grounds, ashes, tin cans, paper bags, boxes, glass, newspapers, magazines, and other such paper products, grass, shrubs, flowers, yard cleanings, grass clippings, leaves, and tree trimmings, not to include dirt, concrete, tile, plaster, rocks, and other such substances, and including handbills except when such handbills are distributed in a manner prescribed by the city council and with written permission from the city manager certifying conformity with the outline requirements of the council.

6.602 DEPOSITING GARBAGE AND TRASH ON STREETS OR VACANT LOTS PROHIBITED

It shall be unlawful for any person to sweep, haul, throw or deposit any garbage, handbills, trash, dirt, concrete, rocks, brick, plaster, tile, stagnant water, or dead animals into, upon, or along any drain, gutter, alley, sidewalk, parkway, street, in the window, door handle or under the windshield wiper of an automobile, or vacant lot, or upon any public or private premises within the corporate limits of the city. In the event handbills are distributed, they must be distributed in a manner prescribed by the city council and with written permission from the city manager certifying conformity with the outlined requirements of the city council.

6.603 SANITATION SUPERINTENDENT;
EMPLOYMENT; DUTIES GENERALLY

There is hereby established the office of sanitation superintendent of the City of Round Rock, Texas. The sanitation superintendent shall be employed by and shall be under the direction of the director of public works of the City of Round Rock. He shall be charged with the responsibility of keeping the City of Round Rock clean of refuse and such other responsibilities and duties as may be delegated to him from time to time by the director of public works.

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6.604 RESIDENTIAL REFUSE(1) Container Requirements

It shall be the duty of every person owning, managing, operating, leasing, or renting any residential premises, to provide a container or containers for refuse sufficient in size and number to accommodate and securely keep all refuse that may accumulate between collections as follows:

(a) There shall be provided for each residential house hold one (1) or more portable containers which shall be made of galvanized metal or plastic with handles on the sides and securely fitting lids which shall be rodent and fly proof. Such containers shall be kept clean and free from accumulations of any substance remaining attached to the inside of containers which would attract or promote the breeding of mosquitoes or other insects. Such containers shall have a capacity of not less than twenty (20) gallons and not more than thirty-two (32) gallons.

(b) Trash may be stored in sturdy securely fastened plastic bags.

(2) Manner of Disposal

It shall be the duty of every person owning, occupying, managing, operating, leasing, or renting any premises to place the daily accumulations of refuse in the container or containers described in subsection 6.604(1) herein. It shall be the duty of every person placing garbage in such containers to eliminate as far as possible all water and liquid from such refuse. Refuse shall be placed in containers in such a way that no container or refuse which is to be loaded manually shall weigh more than eighty (80) pounds. Containers that have deteriorated or that have been damaged to the extent of having jagged or sharp edges capable of causing injury to city collectors, or other persons whose duty it is to handle the containers, or to such extent that the covers will not fit securely, will be condemned by the city, acting through its director of public works, health officer, or their duly authorized representatives. If such containers are not replaced after notice to the owners or user of their defective condition, they shall be confiscated.

(3) Collection by City

The city shall collect refuse from the residential, areas of the city twice weekly (except when an observed holiday falls on a weekday) and it shall be the duty of any person owning, occupying, managing, operating, leasing, or renting any residential premises to place the containers at the curb on the street prior to 7:00 a.m. on the day established for collection. Ordinary accumulations of rubbish such as tree limbs, paper boxes, and scrap lumber, which cannot conveniently be placed in containers as described herein, shall be tied or stacked in compact bundles; provided, however, that tree limbs shall be cut into lengths not exceeding three (3) feet and shall not exceed six (6) inches in diameter. Leaves and grass clippings shall be placed in containers or plastic bags.

6.605 COMMERCIAL REFUSE(1) Containers

The city will provide containers suitable for dumping by mechanical means for business and commercial establishments. Containers will be placed on private premises at locations agreed between the owner or occupant and the sanitation superintendent. The city will not be responsible for damages to paved surfaces on private property caused by refuse collection trucks. Sufficient containers will be placed to accommodate the refuse from each business. Adjacent small businesses may share containers. Where containers are not practicable, cans as described in subsection 6.604(1) may be used, but only with the permission of the director of public works. Where cans are used, the collection will be included in residential collections.

(2) Manner of Disposal

All refuse from business and commercial establishments shall be placed in the containers provided by the city. No refuse shall be left outside the containers. All garbage shall be drained before placing in containers. All packing boxes larger than two (2) cubic feet must be flattened before placing in containers. No manure, building materials, rocks, dirt, or dead animals shall be placed in the containers.

(3) Collection by City

The city shall collect refuse from business and commercial containers at least three (3) times a week, or more often if in the opinion of the public works director, it is required.

6.606 PILFERING FROM CONTAINERS, ETC.

Pilfering or scattering contents of refuse containers, or meddling with refuse containers in any way is prohibited.

6.607 COLLECTION BY OTHER THAN CITY RESTRICTED_____ (1) Franchise Required

_____ It shall be unlawful for any person to engage in the business of collecting refuse from commercial establishments within the City of Round Rock unless he shall have been issued a franchise therefore which is in force and effect. The franchise fee shall be ten percent (10%) of gross revenues and payable quarterly.

(Ordinance No. 2601 of November 12, 1992)

(2) Exception

This subsection does not prohibit a person occupying, managing, or operating any premises from transporting and disposing of refuse from his own premises provided that such refuse is transported and disposed of in compliance with this section.

6.608 EXCESSIVE ACCUMULATION

Businesses which produce excessive accumulations of refuse may be excluded from the service provided by the city. Such accumulations shall be removed and disposed of by the owner or person in charge of same, provided that the owner or person in charge shall secure from the city sanitation department a written permit for removal and disposal of same. Said permit shall be issued only after said sanitation superintendent has satisfied himself that the permittee is capable of complying with the requirements of this section. The permit may be revoked by the city sanitation superintendent when deemed necessary to protect the public welfare.

6.609 INCINERATION

Any person who occupies, operates, or manages any premises within the city may incinerate refuse on his premises provided that the method of incineration is such that smoke emission falls within the limits prescribed by the Texas Air Control Board. Open burning of refuse or burning of refuse in barrels, pits, or other open or screened containers is prohibited.

6.610 DISPOSAL OF DEAD ANIMALS(1) Small Animals

Dogs, cats, or any other small dead animal shall not be placed in refuse containers. The animal warden of the city will remove such small dead animal, upon notice to do so.

(2) Heavy Animals

Heavy dead animals, such as horses, cows, and mules shall be removed and disposed of at the expense of the owner or person having charge of same and by burial at some location as approved by the sanitation superintendent.

6.611 DISPOSAL OF BULKY, HEAVY MATERIALS(1) Size Restrictions

Heavy accumulation such as brush, broken concrete, ashes, appliances, sand or gravel, automobile frames, dead trees, or tree limbs exceeding three (3) feet in

length or six (6) inches in diameter, and other bulky materials shall be disposed of at the expense of the owner or persons controlling same.

(2) Disposition of Waste from Building Operations

Rock, dirt, concrete, brick, tile, plaster, waste, scrap building materials, or other trash resulting from a general cleanup of vacant or improved property, or resulting from sizable amounts of trees, brush, and debris, cleared from property in preparation for construction, will not be removed by the city. The owner will have such debris removed at his own expense.

(3) Wastes from Tree Trimming Operations

It shall be the duty of any person employing, engaging, or otherwise paying a contractor, student, professional tree trimmer, or any other person, to trim and prune his trees or shrubs to have the trimmings and debris removed at the owner's expense. The city will not remove trimmings and debris created by such persons as regular service.

(Ordinance No. 709 of August 23, 1979)

(4) Brush Collection by City

Upon the request of an owner or occupant of a residence or business the city will pick up tree trimmings and/or brush from such owner or occupant of a residence or business. The tree trimmings and/or brush must be placed in or adjacent to the street right-of-way. The owner or occupant will be charged twenty-five dollars (\$25.00) for the first five minutes, and one dollar (\$1.00) per minute thereafter, per pick-up.

(Ordinance No. 2567 of February 27, 1992 as amended by Ordinance No. G-07-07-12-10B1 of July 12, 2007)

6.612 DISPOSAL OF ANIMAL WASTES, WASTE OIL AND INDUSTRIAL WASTE

Manure from cow lots, horse stables, poultry yards, pigeon lofts and other animal or fowl pens, waste oils from garages or filling stations and solid industrial waste materials shall be removed and disposed of by the person controlling same in the manner and by the method directed by the Sanitation superintendent.

6.613 TRANSPORTATION OF REFUSE

The operator of any vehicle hauling refuse shall not allow refuse to blow or fall out of the vehicle.

(Ordinance No. 709 of August 23, 1979)

6.614 HAZARDOUS WASTES

It shall be unlawful for any person to place for collection by the sanitation department any materials classified as hazardous by the U. S. Environmental Protection Agency.

(Ordinance No. 762 of September 11, 1980)

6.615 GARBAGE COLLECTION SERVICE CHARGES(1) Residential

- (a) A sanitation charge for the collection of refuse and for citywide recycling services shall be made for each occupied residence within the City of Round Rock, whether or not any refuse is deposited for collection for such occupied residence during any month and whether or not the residence utilizes the citywide recycling services during any month. For multiple housing units, up to and including five (5) units, the sanitation charge shall be applied for each dwelling unit regardless of the number of water meters.
- (b) The residential sanitation charge for the collection of refuse and for recycling services shall be \$12.00 per month.
- (c) Except as provide below, on and after June 10, 1993, the garbage rate discount for head of household residents 65 years of age and older will be discontinued. All head of household residents 65 years of age and older actually receiving said discounts prior to June 10, 1993 shall continue to receive said discounts as stated in this section, so long as they re-apply for said discounts before October 30 of each year. For residential service located within the corporate limits where the head of household has attained the age of sixty-five (65), and if said resident head of household was receiving garbage rate discounts prior to June 10, 1993, and if said resident head of household re-applies for said discount between October 1 an October 30 of each year, said head of household shall be entitled to a \$1.00 per month discount from the residential sanitation charge. In order to be entitled to said discount, the head of house shall make a sworn application therefor and present proof of age. It shall be a violation of this Code for anyone to make a false statement on such application, or to receive such discount without being eligible therefore. Each month a discount is unlawfully received shall be considered a separate violation.

(Ordinance No. 2549 of September 26, 1991 as amended by Ordinance No. G-93-06-10-8G of June 10, 1993 and Ordinance No. G-93-12-09-9A of December 9, 1993 and Ordinance No. G-94-09-22-9C of September 22, 1994 and Ordinance No. G-97-02-13-9A of February 13, 1997, Ordinance No. G-00-01-27-12B1 of January 27, 2000 and Ordinance No. G-04-11-09-9B1 of November 9, 2004)

(2) Commercial

A sanitation charge for the collection of refuse from all business, commercial, retail, industrial, and manufacturing establishments shall be made when such collection service is provided by the city or its contractor. The charge shall include furnishing containers for refuse. Multiple house units having more than five (5) housing units shall be considered commercial customers. The sanitation charge for commercial refuse collection shall be set by the contractor providing said service.

(Ordinance No. 2207 of November 26, 1985)

(3) Outside City Limits

The above garbage collection rates shall apply to all users located within the corporate limits of the city. All users located outside the corporate limits of the city shall pay one and one-half (1½) times the rate set forth above.

(Ordinance No. 522 of January 26, 1978)

SECTION 6.700 REPAIR OF MOTOR VEHICLES ON PUBLIC STREETS6.701 PROHIBITION

No person shall repair a motor vehicle on a public street located within the city limits of Round Rock, Texas, unless such repair is for the sole purpose of immediately removing such vehicle from the street. The presence of a vehicle under repair on a public street is hereby declared a public nuisance which may be abated as such in accordance with the below-listed sections.

6.702 NOTICE TO REMOVE

If any nuisance exists in accordance with Section 6.701 above, a notice in writing shall be placed on the vehicle under repair, notifying the owner of said vehicle, of the existence of said nuisance and requesting its removal within twenty-four (24) hours after the posting of said notice. Said notice shall contain the request for removal within the above-specified time and said notice shall advise that upon failure to remove, the city shall undertake such removal with the cost of removal and subsequent storage to be levied against the owner of said vehicle.

6.703 REMOVAL OF VEHICLE

If the nuisance described in Section 6.701 has not been remedied in a timely fashion, the city shall have the right to remove the vehicle from the street. It shall be unlawful for any person to interfere with, hinder or refuse to allow the city to remove said vehicle.

6.704 NOTICE OF REMOVAL

Within forty-eight (48) hours of the removal of said vehicle, the city shall give notice to the registered owner of said vehicle, if known, that said vehicle has been impounded and stored for violation of Section 6.701. The notice shall give the location where the vehicle is stored and the costs incurred by the city for removal.

6.705 DISPOSITION OF VEHICLES

Upon removing a vehicle under the provision of Section 6.703, the chief of police shall after ten (10) days cause it to be appraised. If the vehicle is appraised at seventy five dollars (\$75.00) or less, the chief of police shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The chief of police, after complying with the above, may summarily dispose of the vehicle. If the vehicle is appraised at over seventy-five dollars (\$75.00), the chief of police shall give notice to the last known registered owner of the vehicle, and shall public notice of said public sale not less than twenty (20) days before the date of the proposed sale.

6.706 PUBLIC SALE

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser, and a copy thereof to be filed with the city secretary.

6.707 REDEMPTION OF IMPOUNDED VEHICLE

The owner of any vehicle seized under the provisions of this section may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the city of such sum as he may determine and fix for the actual and reasonable expense of removal and storage and any other reasonable expenses incurred by the city.